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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: TRANSPACIFIC PASSENGER AIR) Case No. 07-cv-05634-CRB
TRANSPORTATION ANTITRUST)
LITIGATION) MDL No. 1913
)
) MOTION TO COMPEL
) PROMPT COMPLIANCE
) WITH SECOND
) DISTRIBUTION ORDER

Objector and Claimant David Gould requests that this Court Order prompt compliance with the Second Distribution Order:

1. As this Court is aware, it entered an Order authorizing a second *pro rata* payment to all persons who timely cashed their first check. *See* Entry 1378.
2. An appeal was taken and the Ninth Circuit affirmed this Order.
3. On October 7, 2024, the Supreme Court denied certiorari.
4. On January 10, 2024, Class Counsel and the claims administrator filed a document at Entry 1397 stating, “Now that [...] David Gould’s objections have been resolved, Plaintiffs will proceed with the secondary distribution on or around February 14, 2025.” Entry 1397 further states, “Rust and Class

Counsel will proceed with the distribution of this amount to settlement class members who cashed their checks and who would receive a minimum payment of \$10 from the secondary distribution.”

5. On January 10, 2024, an email was sent to claimants stating, “Checks for the secondary distribution are expected to be mailed in mid-February 2025.”
6. However, in March 2025, the English language version of the website www.airlinesettlement.com now states, “Checks for the secondary distribution are expected to be mailed at the end of March or April 2025.”
7. Based on information and belief, the checks still have not been sent out.
8. Class Counsel represented to the Ninth Circuit that:

When Plaintiffs filed their Secondary Distribution Motion with the district court in August 2022, they were prepared to effectuate a secondary distribution of the remaining settlement funds in September 2022.

The Objectors’ appeal has delayed the secondary distribution until at least May 2024 - over a year and a half after the secondary distribution should have occurred but for the Objectors’ objection and appeal.

See In re: Transpacific, Case 23-15118, Entry 45-1 (motion asking for \$170,000 in attorney fees because the appeal “unnecessarily delayed a secondary distribution of millions of dollars in remaining settlement funds to legitimate class members by at least a year and a half”).

9. In addition, Class Counsel advised the Ninth Circuit that, “Plaintiffs have also incurred over \$100,000 in costs in connection with the Objectors’

frivolous appeal. *These costs mainly relate to extended settlement administration costs while the appeal was pending for a year and a half.” Id.*

10. If the 18 months incurred \$100,000, then Class Counsel’s six month delay incurred \$33,000 in additional administrative costs, prejudicing the class and breaching their fiduciary duty by holding the money and incurring.
11. It appears the delay may be an excuse to rack up additional administrative and legal costs so that uncashed checks from the Second Distribution can be sought as attorney fees.
12. Despite blaming Gould’s appeal, Class Counsel seems in no rush to comply with the affirmed Court Order and falsely represented to this Court that it would make the distribution in February.
13. This Court needs to comply with its fiduciary duties and not allow for further administrative or legal costs to be incurred. Class Counsel stated it was ready years ago, but has not paid claimants.

WHEREFORE, this Court needs to Compel Class Counsel to make the distribution forthwith and advise of the reason for the delay.

A handwritten signature in black ink, appearing to read 'David Gould', with a stylized flourish at the end.

David Gould